



Legislation Text

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Res. No. 648-A

Resolution calling upon the Secretary of the Department of Homeland Security to extend the Temporary Protected Status designation of Haiti and eligible Haitians, which is now set to expire on July 22, 2011.

By Council Member Eugene, The Speaker (Council Member Quinn) and Council Members Brewer, Cabrera, Chin, Dickens, Dromm, Ferreras, Fidler, James, Koppell, Koslowitz, Lander, Mealy, Mendez, Rose, Seabrook, Vann, Williams, Gennaro and Koo

Whereas, Temporary Protected Status (“TPS”) is a temporary immigration status granted to eligible nationals of designated countries; and

Whereas, Under section 244 of the Immigration and Nationality Act, the Secretary of the Department of Homeland Security (“DHS”) may grant TPS to aliens in the United States who are momentarily unable to securely return to their home country due to ongoing armed conflict, the temporary effects of an environmental disaster, or other extraordinary and temporary conditions, and such aliens may not be removed from the United States during the period in which such status is in effect; and

Whereas, On January 12, 2010, Haiti was struck by a 7.0 magnitude earthquake, which caused extensive damage to the capital city of Port-au-Prince and surrounding areas; and

Whereas, In the wake of the earthquake, approximately 230,000 people died, more than 300,000 people were injured and in need of medical attention, and more than one million people were left homeless with limited access to potable water and food; and

Whereas, In an effort to provide humanitarian relief to Haiti, on January 21, 2010, President Barack Obama issued an executive order published in the Federal Register that granted TPS to Haiti and eligible nationals of Haiti, which is currently set to expire on July 22, 2011; and

Whereas, An alien is only eligible for TPS benefits if he or she (i) establishes a continuous physical

presence and continuous residence in the United States; (ii) is not subject to one of the criminal, security-related, or other bars to TPS; and (iii) applies for TPS benefits in a timely manner; and

Whereas, An alien is not eligible for TPS if he or she (i) has been convicted of any felony or two or more misdemeanors committed in the United States; (ii) is a persecutor or subject to one of the bars to asylum; or (iii) is subject to criminal related or terrorism related grounds of inadmissibility for which waiver is not available; and

Whereas, TPS is a critical resource for nationals of Haiti who are unable to return to Haiti due to the impact of the earthquake, which led to unsanitary conditions and political unrest, as TPS permits them to stay temporarily in the United States until Haiti recovers; and

Whereas, According to the United States Census Bureau, there are nearly 800,000 Haitians living in the United States, and New York City is home to the second largest Haitian population in the nation; and

Whereas, The Secretary of DHS has the authority to extend the designation of TPS to a country that continues to be affected by a natural disaster or armed conflict; and

Whereas, The Department of State is currently urging United States citizens to avoid all nonessential travel to Haiti because of the nature of the circumstances in Haiti; the advisory is meant to protect United States citizens and also to prevent the overburdening of recovery efforts that additional people needing shelter, food, and assistance would cause; and

Whereas, Haitians living in the United States are currently unable to safely return to their home country; and

Whereas, A large percentage of residents of Port-au-Prince and other areas affected by the earthquake live on campsites, often under tents and tarpaulins in overcrowded and unsanitary spaces because only 5% of buildings have been reconstructed; and

Whereas, In October of 2010, an outbreak of cholera occurred in Haiti, which has subsequently spread to different regions of the country, including the earthquake-stricken area of Port-au-Prince; this outbreak has

killed at least 4,000 people and sickened approximately 200,000 additional people since then; and

Whereas, The scope of the devastation caused by the earthquake will require a long-term rebuilding and redevelopment plan with support from the United States and the international community; and

Whereas, Extending the TPS designation is necessary to avoid hindering Haiti's recovery efforts, to prevent harm to Haitian nationals both in Haiti and in the United States, and to further the efforts of the United States in its provision of humanitarian relief to Haiti; and

Whereas, Due to the slow pace of recovery from the 2010 earthquake, causing on-going unsanitary conditions and an outbreak of cholera, Haiti fully meets the criteria of a country entitled to TPS; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Secretary of the Department of Homeland Security to extend the Temporary Protected Status designation of Haiti and eligible Haitians, which is now set to expire on July 22, 2011.

JM
3/14/11
LS# 1840